

Judge Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
LEANDRE GAINES,  
Defendant.

NO. CR20-192RSL

**AGREEMENT TO TRANSFER  
PRIMARY JURISDICTION**

The United States of America, by and through Tessa M. Gorman, Acting United States Attorney for the Western District of Washington, and Cecelia Gregson, Assistant United States Attorney for said District, Defendant Leandre Gaines, and Defendant's attorney, Jesse Cantor, enter into the following Agreement to Transfer Primary Jurisdiction.

Defendant Gaines was arrested on March 1, 2020, by the Renton Police Department and charged in King County Superior Court under Cause Number 20-1-0125-6-1 KNT with Assault in the Second Degree and Unlawful Possession of a Firearm in the Second Degree, after being found in possession of a .45 ACP caliber Taurus semi-automatic pistol and using that pistol in an assault of another person.

2. Defendant Gaines was charged by a federal grand jury for the Western District of Washington on November 11, 2020, with one count of Felon in Possession of Firearms. Defendant entered a plea of guilty to the charged count on June 9, 2021. Sentencing is scheduled for September 2, 2021. The government has agreed to recommend a sentence of imprisonment within the guideline range as determined by the Court to run concurrently with supervised release violations under CR16-0021-RSL and concurrently to King County Superior Court Cause Number 20-1-0125-6-1 KNT.

3. Following Defendant Gaines plea hearing on June 9, 2021, King County Superior Court issued a Writ of Habeas Corpus Ad Prosequendum and returned Defendant Gaines to King County Jail, where he awaits disposition of Assault in the Second Degree and Unlawful Possession of a Firearm in the Second Degree charges. Following his plea of guilty to Assault in the Second Degree, King County will dismiss the Unlawful Possession of a Firearm in the Second Degree count.

4. The above-referenced Federal and State charges all related to criminal conduct by Defendant Gaines which was detected through the coordinated investigative efforts of both State and Federal law enforcement agencies.

5. With regard to primary jurisdiction, it is well-settled that the "[d]etermination of priority of custody and service of sentence between state and federal sovereigns is a matter of comity to be resolved by the executive branches of the two sovereigns. Normally, the sovereign which first arrests an individual acquires priority of jurisdiction for purposes of trial, sentencing, and incarceration." *Shumate v. U.S.*, 893 F.Supp. 137, 141 (N.D.N.Y. 1995). "[T]he sovereign with priority of jurisdiction may elect under the doctrine of comity to relinquish it to another sovereign. This discretionary election is an executive, and not a judicial, function." *Id.* at 141 (N.D.N.Y. 1995). See also, *U.S. v. Warren*, 610 F.2d 680, 684 (9th Cir. 1980).

6. For purpose of determination of the initial place of incarceration, the United States Attorney for the Western District of Washington, by and through the undersigned Assistant United States Attorney, hereby relinquishes its priority of jurisdiction over



1 Defendant Gaines to the King County Prosecuting Attorney's Office and thereafter to the  
2 Washington State Department of Corrections following sentencing for the above-  
3 referenced King County Superior Court charges.

4 7. For purposes of determination of the initial place of incarceration, the King  
5 County Prosecutor's Office, by and through the undersigned Senior Deputy Prosecuting  
6 Attorney, hereby accepts primary jurisdiction over Defendant Gaines from the United  
7 States of America.

8 8. By the foregoing, it is the intent of all parties hereto that the initial place of  
9 incarceration of Defendant Gaines, regarding the above-referenced State and Federal  
10 sentences, be at a facility of the Washington State Department of Corrections.

11 9. The Agreement of the parties hereto is evidenced below by the signature of  
12 said party, or their designated Representative, and on the date so indicated.  
13 any other office or agency of the United States, or any state or local prosecutor.

14 Dated this 2nd day of September, 2021.

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LEANDRE GAINES  
17 Defendant

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JESSE CANTOR  
20 Attorney for Defendant

21 s/ Cecelia Gregson  
22 CECELIA GREGSON  
23 Assistant United States Attorney

24 /s/ Jennifer L. Phillips  
25 JENNIFER L. PHILLIPS, WSBA #32800  
26 Senior Deputy Prosecuting Attorney  
27 King County Prosecuting Attorney's Office  
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